
(1974) 09 P&H CK 0008
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 375 of 1974

Gugan Singh

APPELLANT

Vs

The Registrar, Punjab University, Chandigarh

RESPONDENT

Date of Decision : 06-09-1974

Acts Referred:

Punjab University Act, 1947 — Section 20(4)

Citation : (1974) 09 P&H CK 0008

Hon'ble Judges : Man Mohan Singh Gujral, J

Bench : Single Bench

Advocate : H.S. Hooda, for the Appellant; A.S. Anand and Mr. A.L. Bansal, for the Respondent

Final Decision : Dismissed

Judgement

Man Mohan Singh Gujral, J.—The petitioner, Gugan Singh, appeared in B.A. Part III examination of Three-year-Degree Course conducted by the Punjab University, Chandigarh, at Vaish College, Rohtak Centre, under roll No. 249518. The examination was held in April 1973 and the result was declared on 3rd July 1973. Accordingly to this result, the petitioner was placed in compartment and had to appear again in some papers. Subsequently by notice Annexure A dated 9th August, 1973 the petitioner was informed that it had been reported that he had used unfair means during the course of the examination. He was called to appear at Rohtak on 17th August 1973 to show cause why action be not taken under regulation 7 of the Regulations for Examinations contained in the Punjab University Chandigarh Calendar 1972 (Vol. II). By this notice the petitioner was told that he would be furnished with a questionnaire approved by the Standing Committee. Copy of the report of the examiner on the basis of which the notice had been issued was also sent along with this notice. It appears that on receipt of this notice the petitioner appeared before the Deputy Registrar (Unfair Means) and replied to the questionnaire (Annexure B to the petition). In this reply he denied having copied the answer to question No. 4 of English paper B. He

asserted that the answer given by him did not tally with the answer of the candidate bearing roll No. 249519. The material was then placed before the Unfair Means Committee of the Punjab University which by order dated 11th September 1973 disqualified the petitioner for a period of two years under regulation 7. This order was passed on the basis of the finding that the answer to question No. 4 of the petitioner tallied word for word with the answer of this question given by the candidate bearing roll No. 249519. From this it was inferred that the two candidates had copied from each other or from a common source, as the answer to the translation question could not normally be identical in words. After the passing of this order the petitioner sent his admission form for the B. A. Part 111 examination but he was informed by Annexure D that he was not eligible. The petitioner then approached this Court under Articles 226 and 227 for quashing the order of the Standing Committee of Unfair Means and the order Annexure D.

2. The petition was contested on behalf of the respondent and in the affidavit of the Registrar it was stated that the answer book of the petitioner was compared with that of the other candidates mentioned in the notice and that it was found that the answer to question No. 4 of English paper B which related to the translation of a given passage from vernacular to English was identical with that of the candidate bearing roll No. 249519. Alongwith this reply the statement of the petitioner which he had made before the Unfair Means Committee was also filed as Annexure RI. In this statement the (sic) had admitted that the answer to question No. 4 tallied with that of the candidate bearing roll No. 249519 who was seated next to him on 30th April, 1973 when he appeared for English paper B. The petitioner was further asked to explain this strange coincidence but he could not offer any explanation and only stated that he had answered the question independently without taking any help from anybody. He further stated that he had nothing more to say and did not produce any evidence in defence.

3. From the statement of the petitioner himself and the other material which was before the Committee it could not be said that the order passed by the Committee was illegal or without any basis. It has also not been asserted that the petitioner had not been given adequate opportunity before the order was passed.

4. On behalf of the petitioner, in the main two arguments have been advanced. It is firstly pointed out that the result of the examination having been declared no action against the petitioner could be taken under regulation 7 of the Regulations for Examinations. The second argument advanced is that no notice under regulation 28 had been issued and that in any case the Vice-Chancellor could not quash the result of the examination.

5. The first argument as advanced is wholly misconceived. Chapter II of the Punjab University Chandigarh Calendar (Part B) of Volume II deals with punishment for use of unfair means and regulation 7 of this chapter relates to a case where the answer book of an examinee shows or it is otherwise established that he has received or attempted to receive help from any source or in any

manner. If such an allegation is made the matter is decided by a committee appointed by the Syndicate under regulation 31 called the Standing Committee to deal with cases of alleged misconduct and use of unfair means in connection with examinations. The decision of this Committee is final if it is unanimous. In cases where the result has been declared the matter has still to be dealt with under Chapter II but the result is to be quashed under regulation 28 occurring in Chapter III. This provision reads as under :--

28. The Syndicate shall have power to quash the result of a candidate after it has been declared, if--

- (i) he is disqualified for using unfair means in the examination ; or
- (ii) a mistake is found in his result ; or (iii) he is found ineligible to appear in the examination ; or
- (iv) he is a person against whom action under Regulation 5.1 would have been taken had the facts come to the notice of the University earlier.

From the above, it is clear that even after the result has been declared the order disqualifying any person for using unfair means as to be passed under Chapter II by the Standing Committee and subsequently the result is to be quashed by the Syndicate under regulation 28. There is, therefore, no scope for contending that regulation 7 which deals with the case of an examinee would not be attracted after the result has been declared. Regulation 28 deals with different situations when a result is to be quashed by the Syndicate and one of these is where a candidate is disqualified for using unfair means in an examination. There is no indication in regulation 28 that the proceedings for disqualifying the candidate has to be taken by the Syndicate and not by the Standing Committee. In fact, in view of regulation 31 of Chapter II proceedings for taking action for the use of unfair means have to be taken by the Standing Committee appointed by the Syndicate and it is of no consequence that the necessity of determining such a matter arises after the result has been declared.

6. As to the second argument, it may be stated at the outset that it was not specifically raised in the petition. Leaving this apart, u/s 20(4) of the Punjab University Act, 1947, the Syndicate has been given the power to delegate its executive functions to the Vice-Chancellor or to the Sub-Committees appointed from amongst the members of the Syndicate or to a Committee appointed by it which may include persons who are outsiders. Dr. A.S. Anand appearing on behalf, of the University has placed before me the notification of the syndicate dated 21st July, 1973 showing that the power to quash the results was delegated to the Vice-Chancellor. The original records of the case have also been placed before me and these records show that the order quashing the result was passed by the Vice-Chancellor after the report of the Standing Committee was placed before him. There is consequently no plausibility in the contention that the order was not passed by the Syndicate or was without jurisdiction.

7. For the reasons recorded above, I find no merit in this petition and dismiss the same but leave the parties to bear their own costs.